



April 13, 2009
Agenda Item 6.2

MEMORANDUM

TO: Dennis Fay
Alameda County Congestion Management Agency
FROM: CJ Strategies
RE: Legislative Update
DATE: April 3, 2009

The House and Senate adjourned today for a two-week spring recess. Congress will return to Washington on April 20.

FY10 Appropriations Process

Both the House and Senate approved their respective budget resolutions on April 2. A final conference agreement will set the parameters for FY10 funding levels, including funding for the Department of Transportation. Hearings and markups will begin in earnest after the recess. Additionally, the deadline for House Members to submit priority projects to the various House Appropriations Subcommittees is April 3. The House Appropriations Committee issued reforms for the FY10 process. One of these reforms requires Members to post all requests online. Information will include the proposed recipient, amount and why it is an appropriate use of taxpayer funds.

Surface Transportation Reauthorization

The House Transportation and Infrastructure Committee is moving at a faster pace than the Senate Environment and Public Works Committee. The T&I Committee released its call for projects on April 2 (see attachments). We are hearing the Committee would like to schedule a mark-up the week of May 18. Chairman Oberstar would like the bill to go to the full House shortly after the Memorial Day recess.

- The Committee will require that Members can demonstrate that their requests can be constructed. Many projects in the past have been earmarked but never get constructed due to not enough local/state funding. Members will have to prove that there are local/state funding partners to complete the project.
- The Obama Administration is adamantly opposed to raising the gas tax--- Representatives Oberstar and DeFazio have had several meetings with the Administration recently, but the Administration continues to remain firm in its opposition.
- The Committee continues to say it wants action completed on the reauthorization by Sept 30th.

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U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

April 2, 2009

James W. Coon II, Republican Chief of Staff

Dear :

The Committee on Transportation and Infrastructure is crafting new surface transportation authorization legislation to replace the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (P.L. 109-59), which expires on September 30, 2009.

This legislation will transform our surface transportation programs by strengthening the current Federal-state-local partnership, ensuring that programs meet specific performance-based metrics, and providing for greater transparency and accountability for Federal, state, and local decision-making.

Under current law, the U.S. Department of Transportation, States, Metropolitan Planning Organizations, and public transit agencies are responsible for the vast majority of surface transportation investment decisions. Although the current Federal-state-local partnership has served highway and transit systems well, not all communities are treated equally in the decision-making process.

To complement the work done by these agencies, and to ensure that the needs of the communities that we represent are full partners in these important programs, a small percentage of the overall investment of the authorization bill will be available for Member-designated, High Priority Projects ("HPPs"). As elected Members of Congress, we are uniquely responsible and accountable to our constituents; as such, we must be responsive to them by investing in worthwhile projects critical to our districts that may otherwise not be funded. The Committee will accept requests from Members of Congress to designate funding for High Priority Projects to ensure that the diverse transportation needs of our districts – urban, suburban, and rural – are addressed with the investment provided in this legislation.

The new authorization legislation will include a strong focus on performance and accountability, and these same high standards will be applied throughout the High Priority Project submission and selection process. To address concerns that have been raised with the Member-designated High Priority Project program authorized in SAFETEA-LU and prior surface transportation legislation, and to ensure that projects that receive funding in this surface

transportation authorization act result in tangible transportation and safety benefits, the Committee on Transportation and Infrastructure has adopted the following principles for Member-designated High Priority Projects:

- The Committee requires all projects to meet eligibility criteria under Title 23 (Highways) or Chapter 53 of Title 49 (Public Transit) of the United States Code to ensure that HPPs comply with highway and transit program objectives. In addition, the Committee specifically prohibits HPP funding for non-surface transportation projects, such as funding of transportation museums, horse trails, historic battlefields, and other non-transportation projects.
- The Committee requires Members to provide specific information on the type, location, total cost, percentage of total cost that the request would finance, and benefits of the project, in order for the Committee to effectively analyze the merits of the project request.
- The Committee requires Members to specifically identify funding to finance at least 80 percent of the total cost of the phase or segment of the project requested by either (1) the amount requested by the Member; or (2) the amount requested by the Member and other specifically designated Federal, state, local, or private funding sources. The intent of this provision is to increase the likelihood that construction of the project will be underway during the term of the act.
- To ensure that HPPs have significant state or local support, the Committee requires Members to provide at least one letter of support for the project from the state Department of Transportation or affected local government or governmental agency.

The Committee requires such government or agency to specify the process that will be followed to provide an opportunity for public comment (such as the Environmental Impact Statement or other permitting process that requires public review) on the project.

The Committee also requires such government or agency to identify other Federal, state, local, or private funding sources that may be used to advance the project.

- To ensure greater transparency and accountability for HPPs, the Committee establishes the following transparency and accountability principles:
 - Members are required to certify that neither the Member nor his or her spouse has any financial interest in a project requested;
 - Members are required to post requests for projects on the Member's website;

- The Committee will afford the U.S. Department of Transportation at least 20 days to review all project requests to ensure that the projects meet program eligibility criteria;
 - A list of all Member-designated High Priority Projects that are included in the bill will be posted on the Committee website; and
 - A copy of all Member financial interest certifications for HPPs that are included in the bill will be posted on the Committee website.
- The Committee intends to repeal prior ISTEA and TEA 21 project designations that have not proceeded to construction or have remaining unused funds to ensure the effective use of highway and transit funds.

The Committee will accept HPP requests that adhere to these specific principles beginning on April 27, 2009, and ending on May 8, 2009. Members will have the opportunity to submit project requests through the Committee's online database, which will be located at <http://hpp.transportation.house.gov>. Members will be required to submit both electronic and hard copies of all High Priority Project requests. Online answers to the enclosed questionnaire will be required for each project submission.

We strongly recommend that Members immediately begin to compile the information and letters of support necessary to complete their project requests.

To assist Members in this process, the Committee will hold a series of staff briefings and question-and-answer sessions for Congressional staff, as follows:

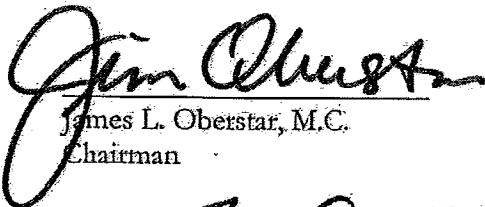
Date	Time	Location
April 8, 2009	2:00 p.m.	2167 Rayburn HOB
April 15, 2009	2:00 p.m.	2167 Rayburn HOB
April 24, 2009	10:00 a.m.	2167 Rayburn HOB
May 1, 2009	2:00 p.m.	2167 Rayburn HOB

In addition, on April 28, 2009, in room 2167 of the Rayburn House Office Building, the Subcommittee on Highways and Transit will hold a hearing to receive testimony from Members of Congress regarding project requests. Although participating in the hearing will not impact the inclusion of a requested project in this legislation, the hearing will provide an opportunity for Members to publicly discuss the needs of their district and the merits of their project requests. If you are interested in participating in this hearing, please contact the Subcommittee on Highways and Transit staff at (202) 225-9989.

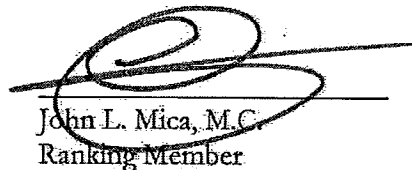
If you have any questions about the High Priority Project submission process, please have your staff contact Jackie Schmitz of the Majority staff of the Subcommittee on Highways and Transit at Jackie.Schmitz@mail.house.gov or (202) 225-9989, or Dan Veoni of the Republican staff of the Subcommittee on Highways and Transit at Dan.Veoni@mail.house.gov or (202) 225-6715.

We believe that Member-designated projects can play an appropriate role in the upcoming surface transportation authorization act, and that the High Priority Project reform principles will ensure that projects that receive funding will result in tangible transportation and safety benefits. We appreciate your willingness to work with us to ensure that this process meets the highest standards of transparency and accountability.

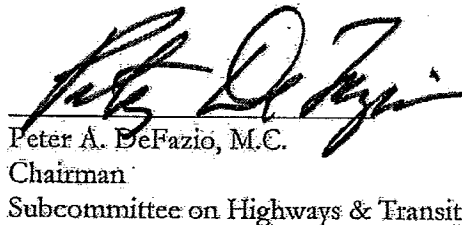
Sincerely,



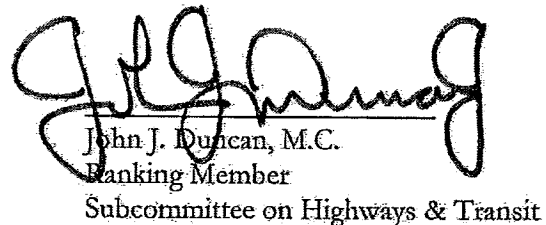
James L. Oberstar, M.C.
Chairman



John L. Mica, M.C.
Ranking Member



Peter A. DeFazio, M.C.
Chairman
Subcommittee on Highways & Transit



John J. Duncan, M.C.
Ranking Member
Subcommittee on Highways & Transit

Enclosure

**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
MEMBER-DESIGNATED HIGH PRIORITY PROJECT QUESTIONNAIRE**

The database will allow you to: (1) submit requests; or (2) save drafts which can be submitted on a later date.

1. General Information.
 - Member of Congress
(Drop-down menu of Members of Congress with Congressional district¹)
 - Staff Contact
 - Staff Phone Number
 - Staff E-mail Address
2. Who is the primary Member of Congress sponsoring the project?
 - Member of Congress
(Drop-down menu of Members of Congress; only 1 Member may be selected)
3. Is this project located in your Congressional District?
 - Yes
 - No
 - The project is located in the following Congressional District(s):
(Drop-down menu of Members of Congress; more than one Member of Congress may be selected)
4. Will other Members of Congress be submitting project requests supporting the project?
 - Yes
The other Members submitting requests supporting the project are:
(Drop-down menu of Members of Congress; more than one Member of Congress may be selected)
 - No
5. What type of eligible project under Title 23 (Highways) or Chapter 53 of Title 49 (Public Transit) of the U.S. Code is the project request? Note: The Committee will not accept requests for non-surface transportation projects, such as transportation museums, horse trails, or historic battlefields, as part of the High Priority Projects program.
 - Federal-aid Highway
 - Highway/road
 - Located on a Federal-aid highway?
 - Yes
 - Located on the National Highway System?
 - Yes
 - Located on the Interstate System?
 - Yes
 - No

¹ All references to "Members of Congress" include Delegates and Resident Commissioner.

- No
 - No
- Bridge
 - Located on a Federal-aid highway?
 - Yes
 - Located on the National Highway System?
 - Yes
 - Located on the Interstate System?
 - Yes
 - No
 - No
 - No
- Tunnel
 - Located on a Federal-aid highway?
 - Yes
 - Located on the National Highway System?
 - Yes
 - Located on the Interstate System?
 - Yes
 - No
 - No
 - No
- Bicycle/Pedestrian project
 - Located on a Federal-aid highway?
 - Yes
 - Located on the National Highway System?
 - Yes
 - Located on the Interstate System?
 - Yes
 - No
 - No
 - No
- Intelligent Transportation System (Technology) project
 - Located on a Federal-aid highway?
 - Yes
 - Located on the National Highway System?
 - Yes
 - Located on the Interstate System?
 - Yes
 - No
 - No
 - No
- Ferry Boats or Ferry Boat Facilities
 - Located on a Federal-aid highway?
 - Yes
 - Located on the National Highway System?

- Yes
 - Located on the Interstate System?
 - Yes
 - No
 - No
 - No
 - Intermodal Freight Facility
 - Located on a Federal-aid highway?
 - Yes
 - Located on the National Highway System?
 - Yes
 - Located on the Interstate System?
 - Yes
 - No
 - No
 - No
 - Other
 - Located on a Federal-aid highway?
 - Yes
 - Located on the National Highway System?
 - Yes
 - Located on the Interstate System?
 - Yes
 - No
 - No
 - No
- Public Transit (Public transit refers to transportation services provided to the general public via a variety of vehicle modes, including buses, subways, light rail, commuter rail, monorail, passenger ferry boats, transit van pools, streetcars, inclined railways, and paratransit vehicles. Public transit does not include school bus or charter bus services, nor intercity passenger rail (such as Amtrak), high-speed rail, or private rail operations. For these types of rail projects, please proceed to the Rail section of the form.)
 - Passenger Vehicles
 - Transit Bus or Van
 - Transit Rail Car or Locomotive, including Streetcars
 - Transit Ferry
 - Transit Facilities
 - Vehicle Maintenance or Administration Facility
 - Passenger Facility, including Intermodal Facilities, stations, and terminals
 - Transit Rights-of-Way
 - Property Acquisition
 - Corridor Development
 - Rail Track Construction or Maintenance
 - Bus-only Lane Construction or Maintenance
 - Transit Equipment

- Vehicle-related Equipment
 - System-related Equipment
- New Start Project (A New Start project is a major new fixed guideway capital project seeking more than \$75 million in Federal funds.)
- Small Start Project (A Small Start project is a new fixed guideway capital project seeking less than \$75 million in Federal funds and with a total estimated net capital cost of less than \$250 million.)
- Rail
 - Intercity Passenger Rail (Intercity rail passenger transportation means rail passenger transportation, except commuter rail passenger transportation. Commuter rail passenger transportation means short-haul rail passenger transportation in metropolitan and suburban areas usually having reduced fare, multiple-ride, and commuter tickets and morning and evening peak period operations. Intercity rail passenger transportation projects are not commuter rail projects. Funds for commuter rail projects should be requested under public transit, not under intercity passenger rail.)
 - Located within a corridor previously designated by the Secretary of Transportation pursuant to section 104(d)(2) of Title 23, United States Code, or the Northeast Corridor?
 - Yes (drop-down menu)
 - California Corridor
 - Chicago Hub Network
 - Empire Corridor
 - Florida Corridor
 - Gulf Coast Corridor
 - Keystone Corridor
 - Northeast Corridor
 - Northern New England Corridor
 - Pacific Northwest Corridor
 - South Central Corridor
 - Southeast Corridor
 - No
 - Freight Rail
 - Class I Freight Rail
 - Class II or Class III Freight Rail
- Research
 - University Transportation Center
 - Other

6. Did the Federal Highway Administration, Federal Transit Administration, or State Department of Transportation,² or public transit agency confirm that the project is eligible under Title 23 (Highways) or Chapter 53 of Title 49 (Public Transit) of the United States Code?
- Yes
 - Which entity confirmed the project eligibility?
 - Federal Highway Administration Contact (Name, Position, Phone)
 - Federal Transit Administration Contact (Name, Position, Phone)
 - State Department of Transportation Contact (Name, Position, Phone)
 - Public Transit Agency Contact (Name, Position, Phone)
 - According to the entity, is the project eligible under Title 23, Title 49, or both Titles 23 and title 49?
 - Title 23 (Highways)
 - Chapter 53 of Title 49 (Public Transit)
 - Both Title 23 and Chapter 53 of Title 49
 - No
7. Please identify the state, regional, or local governmental entity that is an eligible recipient of the funds.
- Highways
(Drop-down menu of State Departments of Transportation (DOTs); only 1 State DOT may be selected)
(Note: If a project is a multi-state project, please select the State Department of Transportation which will serve as the lead agency for the project.)
 - Public Transit
 - State DOT
(Drop-down menu of State Departments of Transportation (DOTs); only 1 State DOT may be selected)
 - Local Government
(Drop-down menu of the following; only one entity may be selected)
 - Metropolitan Planning Organization “MPO” (write in name and address)
 - Transit Agency (write in name and address)
 - City (write in name and address)
 - County (write in name and address)
 - Federally-recognized tribe (write in name and address)
 - Other (write in name and address)
- (Note: If a project is a multi-state project, please select the state, regional, or local governmental entity which will serve as the lead agency for the project.)
- Rail
(Drop-down menu of Amtrak and State DOTs; only 1 State may be selected)
(Note: If a project is a multi-state project, please select the State Department of Transportation which will serve as the lead agency for the project.)

² All references to “State Departments of Transportation” include Washington, DC, and Territories.

8. Please identify the specific segment or activity for which project funding is requested. The request must finance at least 80 percent of the total estimated cost of the specific segment or activity by either (1) the amount requested by the Member; or (2) the amount requested by the Member and other specifically designated Federal, state, local, or private funding sources.
 - Project description (include the specific terminus points of the project or activity, as appropriate; include drop-down menu of activity choices; may select more than 1 activity; activities include: construct, plan, design, engineer, conduct environmental review, acquire right-of-way, conduct alternatives analysis, research, develop, demonstrate, deploy, reconstruct, rehabilitate, replace, retrofit, install, mitigate, implement, realign)
 - Total estimated cost (please write out in numeral form (e.g., \$2,000,000, not \$2 million))
 - Request amount (please write out in numeral form (e.g., \$1,600,000, not \$1.6 million))
 - Percentage of total estimated cost
(If the percentage is less than 80 percent, the Member must identify other specifically designated Federal, state, local, or private funding sources that, combined with the Member request, equal at least 80 percent.)

▪ Source	Amount of Funding
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9. If you are requesting funding for a specific segment or activity, please describe the overall project of which this segment/activity is a part.
 - Project description (please limit your response to 3-4 sentences; up to 500 characters)
 - Total estimated cost

10. Is the project included in the State's Long-Range Transportation Plan?
 - Yes
 - Please provide the date of approval of the most recent version of the plan and the title of the plan.
 - Date of approval (MM/YYYY)
 - Title of the plan
 - No

11. Is the project included in the Metropolitan Transportation Improvement Program (TIP) and/or State Transportation Improvement Program (STIP)?
 - Yes
 - Please provide the date of approval of the most recent version of the program(s), and the title of the program(s).
 - Metropolitan Transportation Improvement Program (TIP)
 - Date of approval (MM/YYYY)
 - Title of the Program
 - State Transportation Improvement Program (STIP)
 - Date of approval (MM/YYYY)
 - Title of the Program
 - No

12. If the project is an intercity passenger rail project, is it included in the State Rail Plan?
 - Yes

- Please provide the date on which the Governor approved the most recent version of the plan, and the title of the plan.
 - Date of approval (MM/YYYY)
 - Title of the plan
- No
- Not Applicable

13. Please describe the current status of the project and the expected schedule for its completion.

- Current status
 - Federal-aid Highway projects (drop-down menu):
 - In Planning
 - In Environmental Review
 - In Final Design
 - In Right-of-Way Acquisition
 - Under Construction
 - Public Transit projects (drop-down menu)
 - In Planning
 - In Alternatives Analysis
 - In Preliminary Engineering
 - In Final Design
 - Under Construction or Procurement
 - Rail projects (drop-down menu)
 - In Planning
 - In Environmental Review
 - In Preliminary Engineering
 - In Design
 - Under Construction
 - Research
 - Under Research
 - Under Development
 - Under Demonstration
 - Under Deployment
- What is the expected date of completion of the project for which you are requesting funding?
(Drop-down menu of choices fiscal year 2010 through 2020)

14. Please provide a letter of support from a state, regional, or local governmental official specifically supporting the project request. This letter should discuss the merits of the project; specify the process to provide the public with an opportunity to comment on the project; and identify the other sources of Federal, state, or private funding that will be used to complete this project or project phase. **This letter must contain an explicit statement of support for the project. In addition, if the Member is requesting less than 80 percent of the total estimated cost of the specific segment or activity, the letter must identify other specifically designated Federal, state, local, or private funding sources that, combined with the Member request, equal at least 80 percent of the total estimated cost.** Please use boldface font to highlight these statements in the letter.

- Attached letter
(Please note that you will not be able to submit the finalized request unless a letter is attached.)
15. Does the project have regional or national significance? (A project of regional and national significance is typically a high-cost transportation infrastructure facility that often includes multiple levels of government, agencies, modes of transportation, and transportation goals and planning processes that are not easily addressed or funded within existing surface transportation program categories. These projects have national and/or regional benefits, including improving economic productivity by facilitating international trade, relieving congestion, and improving transportation safety by facilitating passenger and freight movement.)
- Yes
 - Please describe the regional or national significance of the project. Please limit your response to 3-4 sentences (up to 500 characters).
 - No
16. Describe the safety, economic development, mobility, and environmental benefits associated with completion of the project.
- Safety Benefits
 - Please describe the safety benefits. Please limit your response to 2-3 sentences (500 characters).
 - Economic Development Benefits
 - Please describe the economic development benefits. Please limit your response to 2-3 sentences (500 characters).
 - Mobility Benefits
 - Please describe the mobility benefits. Please limit your response to 2-3 sentences (500 characters).
 - Environmental Benefits
 - Please describe the environmental benefits. Please limit your response to 2-3 sentences (500 characters).
17. Has the project previously received any Federal funding?
- Yes
 - surface transportation authorization act(s)
 - Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (P.L.109-59)
 - Section Project Number
 - Amount of Funding Amount Obligated
 - Transportation Equity Act for the 21st Century (TEA 21) (P.L. 105-178)
 - Section Project Number
 - Amount of Funding Amount Obligated
 - National Highway System Designation Act of 1995 (NHS Act) (P.L. 104-59)
 - Section Project Number
 - Amount of Funding Amount Obligated
 - Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (P.L. 102-240)
 - Section Project Number
 - Amount of Funding Amount Obligated

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